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PTO/SB/22 (12-04)

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		<b>Docket Number (Optional)</b> <b>LUZZATTO 3.0-082</b>	
<b>Application Number</b> 09/813,523		<b>Filed</b> March 21, 2001	
<b>For</b> DIAGNOSTIC METHOD AND APPARATUS			
<b>Art Unit</b> 1743		<b>Examiner</b> M. T. Cole	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<b>Fee</b>	<b>Small Entity Fee</b>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 1,020.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>12-1095</u> . I have enclosed a duplicate copy of this sheet.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>51,248</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
<u>Michael D. Braunstein</u> Signature		<u>February 9, 2005</u> Date	
<u>Michael D. Braunstein</u> Typed or printed name		<u>(908) 518-6339</u> Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of <u>1</u> forms are submitted.			

02/17/2005 YPOLITE1 00000010 121095 09813523

01 FC:1253 1020.00 DA

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 9, 2005

Signature: Michael D. Braunstein (Michael D. Braunstein)

05/03/2005 SDIRETA1 00000052 121095 09813523

01 FC:2253 510.00 DA

02/17/2005 YPOLITE1 00000010 121095 09813523  
Adjustment date: 05/03/2005  
02/17/2005 YPOLITE1 00000010 121095 09813523  
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MAR 10 2005

Docket No.: LUZZATTO 3.0-082  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Lorber et al.

Application No.: 09/813,523

Group Art Unit: 1743

Filed: March 21, 2001

Examiner: M. T. Cole

For: DIAGNOSTIC METHOD AND APPARATUS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

This request for refund is made within three months of the date the fee for a three month extension petition in the amount of \$1,020.00 was paid in this application. An assertion as to entitlement to small entity status was made when the application was filed. It is therefore respectfully requested that one-half of the extension petition fee be refunded by crediting our Deposit Account No. 12-1095 in the amount of \$510.00.

If the Examiner has any questions concerning this matter, he or she is requested to call applicant's attorney at (908) 654-5000.

Dated: March 7, 2005

Respectfully submitted,

By Michael D. Braunstein  
Michael D. Braunstein  
Registration No.: 51,248  
LERNER, DAVID, LITTENBERG,  
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